Protecting the rights of children and young people in visitable sites

Who is the Office of the Public Guardian?

The Office of the Public Guardian (OPG) is an independent statutory office established to protect the rights, interests and wellbeing of adults with impaired decision-making capacity, and children and young people in the child protection system. This includes those in out-of-home care, such as a foster home, the home of a kinship carer, a residential care facility, a youth detention or adult correctional centre, disability service or mental health facility.

What is the community visitor program for children in out of home care?

The community visitor program aims to ensure children and young people in foster care, kinship care or residential care are safe and well and are being properly cared for. The guiding principle behind the *Public Guardian Act 2014* is that the best interests of the child are always paramount and that their wellbeing is protected.

What is a visitable site?

For children and young people in care a visitable site is a place, other than a private dwelling, where children and young people in the child protection system are living.

Visitable sites include residential facilities, authorised mental health service under the *Mental Health Act 2000* which provides inpatient services, residential forensic disability services, adult corrective services facilities and youth detention centres.

All children and young people are visited in visitable sites even if they are not in the child protection system.

A CV's power of entry and inspection

A CV can do everything they believe necessary to ensure children are safe and well and are being properly cared for. A CV can enter a visitable site during normal hours (8am-6pm) without notice or outside these hours with the public guardian's authorisation.

During a visit the CV can inspect the site and talk to children living there in private i.e. out of the hearing of other people, including the site's staff.

Staff members are required to answer questions and may also be asked to talk to the CV in private.

Staff members must provide the CV with any relevant documentation if requested to do so and the CV is allowed to copy and take extracts from the documentation if they think it relevant.

Interpreter

Contact Us

t. 1300 653 187

sms. 0418 740 186

e. publicguardian@publicguardian.qld.gov.au

w. www.publicguardian.qld.gov.au

All staff members at a visitable site are expected to provide reasonable help to a CV and it is a criminal offence not to do so without a valid excuse. A valid excuse includes where by providing assistance the staff member would be incriminating themselves, or in the case of a detention centre or corrective services facilities where helping the CV would endanger the security or good order of the facility or centre.

For more information about a CV's statutory rights of entry and inspection of residential facilities see sections 67-71 of the *Public Guardian Act 2014* (https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2014/14AC026.pdf).

In what circumstances can out-of-hours access be authorised?

The public guardian can authorise a CV to enter a visitable site outside normal hours in situations where the public guardian considers the CV is unable to adequately perform their functions during normal hours.

In this situation the public guardian must specify a period of up to two hours during which the CV is authorised to enter the visitable site.

Respecting the privacy and wishes of residents

In performing their duties at visitable sites a CV must act in a way that respects, as far as practicable, the privacy of children living there. They should also take into account the wishes of any children or young people who do not wish to talk to them.

Requests to communicate or visit

A child or young person living in a visitable site can communicate with a CV—by phone, SMS message or email—whenever they need to, and they can also request the CV to visit the site, in addition to the CVs regular visits, if they want.

If a child or young person asks a member of staff from the visitable site to arrange a CV visit or informs them that they want to get in contact with a CV, the staff member must pass the request on to the Office of the Public Guardian or inform the CV directly, as soon as it is practicable. It is a criminal offence not to do so.

The contact details for the Office of the Public Guardian can be found below.

Once informed of a child's request, the CV must contact or visit them as soon as reasonably possible.

How to contact a CV and the Office of the Public Guardian

The Office of the Public Guardian can be contacted on our number **1300 653 187**, by email at **publicguardian@publicguardian.qld.gov.au**, by SMS message to **0418 740 186**.

Find out more

For more information about the Office of the Public Guardian and how we help young people in Queensland go to www.publicguardian.qld.gov.au